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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)	Subcase No. 91-00005
)	
)	AFFIDAVIT OF DAVID R. TUTHILL, JR.
)	
Case No. 39576)	
_____)	

STATE OF IDAHO)
) ss.
County of Ada)

David R. Tuthill, Jr., being first duly sworn, deposes and states as follows:

1. My name is David R. Tuthill, Jr. I am the Adjudication Bureau Chief for the Idaho Department of Water Resources (IDWR). I have been delegated the responsibility by Karl J. Dreher, Director, to execute this affidavit hereby adopting the *1999 Supplemental Director's Report to the SRBA District Court on Conjunctive Management for Basin Wide Issue 5* previously filed on December 30, 1999.

2. My work address is Idaho Department of Water Resources (IDWR), 1301 North Orchard, Boise, Idaho 83706. I reside in Boise, Idaho.

3. My educational background includes a Bachelor of Science degree in agricultural engineering from Colorado State University at Fort Collins, Colorado, in 1974, and a Master of Science degree in civil engineering from the University of Colorado at Boulder, Colorado, in 1975. My course work included, but was not limited to: fluid mechanics, hydrology, hydraulics, statics and dynamics, thermodynamics, soil mechanics, chemistry, mathematics, materials, structures, sanitary engineering, electrical circuits, physics, computer programming, statistics, writing and report preparation. My education/training since college has included, but is not limited to participation in various seminars and symposia, and completion of various courses related to water management, such as open channel hydraulics, geohydrology, ground water management, emerging technologies, and decision-making in resource management. Since 1996 I have been enrolled in and have actively been pursuing a Ph.D. at the University of Idaho in Civil Engineering. My dissertation considers the implementation of conjunctive management in the Boise River basin.

4. I have been registered as a professional engineer in Idaho since 1979.

5. I have worked for IDWR for 24 years in the following positions respectively. I worked from 1/1976 to 9/1976 for IDWR as the Adjudication Section Supervisor. My duties included, but were not limited to, review of applications for water permits; analysis of proposed transfers of water with beneficial use calculations; analysis of decreed rights as to location and amount; supervision of six people in the drafting and report writing sections; supervision of water distribution statewide; responding to watermaster/water district problems of water delivery; and supervision and monitoring of three ongoing water adjudications.

6. I worked for IDWR as the Payette Adjudication Supervisor from 9/1976 to 12/1978. My duties included, but were not limited to, responsibility for the Payette River Basin adjudication which was a 10 year water rights adjudication involving some 10,000 water rights covering an area of 3,200 square miles; supervision of three professionals, a secretary, and two data entry staff; analysis of methods of computation of water rights to include commingling of rights, ditch losses, and exchanges; preparation of water rights reports; arrangement for public meetings; use of radio, newspapers, posters, and television to provide public information about the adjudication; and responsibility for the preparation of recommendations of state and federal water rights including federal reserved water rights.

7. From 12/1978 to 5/1985 I worked as the IDWR Water Allocation Section Supervisor. My duties included, but were not limited to, supervision of four state office sub-sections; custodianship of a central filing system for all Idaho water rights including claims, permits, licenses, and decrees, including cross-referencing systems for water rights research; responsibility for water right processing including state office review for approval of water right permits, amendments, assignments, licenses, and transfers; central processing and guidance for water right adjudications which were handled in the regional offices; oversight of the state office drafting department; and responsibility for implementation of a state-wide mandatory water right claim filing program which included preparation of posters and brochures, radio and television advertisements, and public education programs.

8. From 6/1985 to 6/1996, I worked as the Regional Office Manager of IDWR's Western Regional Office. As engineer in charge of IDWR's Western Region, my duties included, but were not limited to, oversight of all aspects of Western Regional Office activities, including personnel and

salary; oversight of water right application processing and beneficial use examinations; general oversight of the Western Regional Office's adjudication unit; oversight of dam safety and stream channel alteration programs; implementation of IDWR policy and procedure; implementation and maintenance of IDWR data-bases and files used at the Western Regional Office; coordination of the various section activities in the Western Regional Office; oversight of water distribution and administration throughout Western Region; serving as chairman of the GIS Utilization Task Force; supervision of the creation of the Southeast Boise Ground Water Management Area (SEBGWMA); and formation, operation, and technical liaison of the SEBGWMA Advisory Committee.

9. From 6/1996 to the present, I have served as the Adjudication Bureau Chief for IDWR. I am responsible for the implementation and oversight of IDWR's statutory duties in the Snake River Basin Adjudication (SRBA). As part of my duties, I implement and oversee IDWR's investigation of claims filed in the SRBA.

10. As Adjudication Section Supervisor, Payette Adjudication Supervisor, Water Allocation Section Supervisor, Regional Office Manager of IDWR's Western Regional Office, and Adjudication Bureau Chief, I have investigated hundreds of water rights, including reviewing their descriptions in decrees, licenses and permits. I have supervised the distribution of water to water right holders and resolved disputes between competing water users. I have extensive first-hand knowledge of how water rights for a variety of uses interact with other water rights from the same source. I have extensive first-hand experience with the difficulty of resolving disputes between water right holders when the water use under a right is not adequately described.

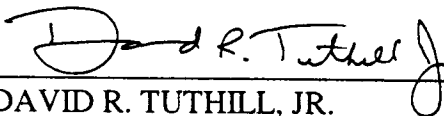
11. In addition to the above, as the Bureau Chief for the Adjudication Section I oversee and direct agency actions for implementing IDWR's statutory duties in the Snake River Basin

Adjudication (SRBA). Because of my responsibilities and involvement in the SRBA, I am familiar with and have personal knowledge of the general provisions IDWR recommended to the SRBA District Court for conjunctive management in the Snake River Basin.

12. The explanation for IDWR's general provision recommendations for conjunctive management is set forth in *the 1999 Supplemental Director's Report to the SRBA District Court on Conjunctive Management for Basin Wide Issue 5*, attached to this Affidavit. I have personal knowledge of the substance contained in this attached Supplemental Director's Report on conjunctive management, and assisted with its preparation.

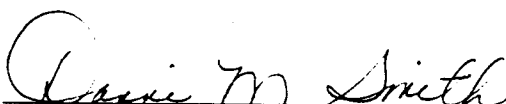
13. Pursuant to the *Amended Order Setting Deadline for IDWR to File Direct Testimony and Setting Initial Hearing on Basin-Wide Issue 5 On Remand - Conjunctive Management Snake River Basin-Wide* issued by the SRBA District Court on December 17, 1999, I adopt as my testimony the *1999 Supplemental Director's Report to the SRBA District Court on Conjunctive Management for Basin Wide Issue 5*, incorporated herein by reference..

Dated this 22nd day of February, 2000.



DAVID R. TUTHILL, JR.

SUBSCRIBED AND SWORN to before me this 22nd day of February, 2000.



Notary Public for the State of Idaho
Residing at: BOISE ID
My commission expires: 12/5/2000

CERTIFICATE OF SERVICE

I certify that true and correct copies of the **AFFIDAVIT OF DAVID R. TUTHILL, JR. RE: 91-00005 (ON REMAND CONJUNCTIVE MANAGEMENT)** were served on Feb 22, 2000, to the following, in the manner described below:

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Snake River Basin Adjudication
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Twin Falls, Idaho 83303-2707

☒ via facsimile

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P.O. Box 44449
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☒ via facsimile


U.S. Dept. of Justice
Environment & Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
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☒ via facsimile

Certificate of Mailing for Expedited Hearings
Certificate of Mailing for Basin-Wide Issue 5
Certificate of Mailing for Basin-Wide Issue 5-34
Certificate of Mailing for Basin-Wide Issue 5-36
Certificate of Mailing for Basin-Wide Issue 5-57
(see attached mailing lists)

☒ via facsimile
(per attachments)

☒ via U.S. mail
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Signature of person mailing this form

CERTIFICATE OF SERVICE

*INDICATES FAXED 2/22/00

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